



DesignLine Corporation

Tinker, Pat (USTP)

to:

Linda_Simpson@ncwba.uscourts.gov

09/09/2013 05:05 PM

Cc:

"DeAngelis, Roberta A. (USTP)", "Tracy, Lisa (USTP)", "McCormick, Anne M. (USTP)"

Hide Details

From: "Tinker, Pat (USTP)" <Thomas.P.Tinker@usdoj.gov>

To: "Linda_Simpson@ncwba.uscourts.gov" <Linda_Simpson@ncwba.uscourts.gov>,

Cc: "DeAngelis, Roberta A. (USTP)" <Roberta.A.DeAngelis@usdoj.gov>, "Tracy, Lisa

(USTP)" <Lisa.Tracy@usdoj.gov>, "McCormick, Anne M. (USTP)"

<Anne.M.McCormick@usdoj.gov>

History: This message has been replied to and forwarded.

Linda W. Simpson
U.S. Bankruptcy Administrator
Western District of North Carolina
402 W. Trade Street, Suite 200
Charlotte, NC 28202

Dear Linda:

Thank you for contacting us regarding the referenced case, which has been transferred to the Western District of North Carolina, a non-USTP jurisdiction, by the Bankruptcy Court for the District of Delaware. As I understand it, you have requested the following information from Dave Buchbinder, a trial attorney in my office:

- The completed creditors committee formation questionnaires that we have received
- Our initial debtor interview summary
- Our comment on and analysis of the DIP loan motion

Although we very much would like to accommodate your request, we find that we are unable to do so for several important legal reasons that have repercussions beyond this particular case and our desire to cooperate with you in the transfer of this case. First, the completed questionnaires contain personally identifying information subject to protection under the Privacy Act. Second, the other documents are also not public and reflect the internal analysis, advice, and decision-making of DOJ employees. As such, these materials are protected by the attorney-client privilege and the Executive Branch's deliberative process privilege. Information sharing by government officials often raises difficult issues, and our positions in different branches of government raise additional ones.

In the event that you think we may have overlooked some authority or information that would counsel a different result, we would be happy to receive and review it.

Regards,
Patrick Tinker
Assistant U.S. Trustee, Wilmington

